

## Reducing Dolphin Mortality in the ETP Tuna Purse Seine Fishery

- 1950-1960s** Fishers in the eastern tropical Pacific Ocean (ETP) discovered the as yet unexplained association between schools of large yellowfin tuna and some dolphins. As purse seine technology replaced pole and line fishing as a predominant method of harvesting tuna, fishers began setting nets around dolphins to catch the tuna swimming below, often killing the dolphins involved.
- 1970s** The ETP fishery was dominated by U.S. vessels and annual dolphin mortality was estimated at more than 350,000. With enactment of the Marine Mammal Protection Act (MMPA) in 1972 (in large part in response to public reaction to the high levels of dolphin mortality associated with the tuna fishery in the ETP), incidental mortality from fishing by the U.S. domestic fleet began to decline, participation in the fishery by foreign vessels began to increase, and by the mid-1980s foreign fleets dominated the fishery, causing much of the dolphin mortality.
- 1980s** Estimates showed dolphin mortality from foreign fishing at more than 110,000 for the year, while U.S. fleet mortality had dropped to fewer than 21,000. To address concerns regarding increased mortality by foreign vessels, Congress amended the MMPA to tighten the importation requirements for tunas harvested by foreign tuna vessels in the ETP and to impose additional requirements on both U.S. fishers and import of foreign tuna.
- 1990** The total dolphin mortality from foreign fishing was greater than 47,000, while U.S.-associated dolphin mortality was around 5,000. Congress enacted the Dolphin Protection Consumer Information Act, which established standards for tuna labeled as dolphin-safe. This law did not actually require dolphin-safe labeling, but due to public pressure, U.S. tuna canners voluntarily purchased tuna only from vessels where no dolphins were intentionally encircled during the entire fishing trip.
- 1990s** Foreign participation in the ETP fishery continued to increase, and dolphin mortality was managed through the voluntary International Dolphin Conservation Program under the auspices of the Inter-American Tropical Tuna Commission (IATTC). The U.S. fleet's participation in the ETP tuna fishery declined to fewer than ten vessels due to other economic opportunities in the western Pacific Ocean and MMPA prohibitions in the ETP.
- 1992** The total dolphin mortality from foreign fishing was approximately 15,100, while U.S.-associated dolphin mortality was reduced to 431. The International Dolphin Conservation Act (IDCA) was passed by Congress to encourage an international moratorium on the practice of harvesting tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals. The IDCA also established U.S. mortality limits and required that the number of dolphins killed decrease from one year to the next. The IDCA also prohibited U.S. citizens crewing on the vessels of other nations in the fishery from intentionally encircling marine mammals and made it unlawful for any person to sell tuna that was not dolphin-safe in the United States after June 1, 1994.
- The United States and the governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, and Spain, whose vessels fish for tuna in the ETP, signed the La Jolla Agreement at the annual meeting of the IATTC. The Agreement placed voluntary limits on the maximum number of dolphin that could be incidentally killed annually in the fishery. The participants also agreed to lower the maximum each year over seven years, with a goal of eliminating mortality in this multi-national fishery.

- 1995** The United States and other ETP tuna fishing nations met again and negotiated the Panama Declaration to establish conservative annual dolphin mortality limits for each species or stock. This represented an important step toward reducing bycatch in commercial fisheries using sound ecosystem management.
- In international waters, a binding international agreement is key to successfully protecting dolphins. The signing nations agreed to a binding international agreement for the continued protection of dolphins and the entire ETP ecosystem.
- The signatory nations expected that if they reduced their dolphin mortality, the United States would amend its laws so that participation in the IDCP would satisfy comparability requirements of U.S. law and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.
- 1997** In response to the Panama Declaration and to recognize the nations' efforts to reduce dolphin mortality in the fishery, Congress passed the International Dolphin Conservation Program Act (IDCPA) to implement the IDCP. The IDCPA primarily amends provisions in the MMPA dealing with yellowfin tuna in the ETP fishery. Key provisions of the Act became effective in March 1999.
- 1998-1999** The countries participating in the IDCP successfully negotiated the international Agreement, a legally binding instrument for dolphin conservation and ecosystem management in the ETP. The Agreement became effective on February 15, 1999, when four nations ratified it. To date, the United States, Panama, Ecuador, Mexico, El Salvador, Venezuela, Nicaragua, Costa Rica, Honduras, Peru, and Guatemala are the countries that have ratified it.
- 2000** On January 3, 2000, NMFS published an interim final rule to implement the IDCPA. NMFS published final regulations to designate an official dolphin-safe mark as required by the Dolphin Protection Consumer Information Act (DPCIA) on May 30, 2000.
- Pursuant to the IDCPA, a nation wishing to import into the United States yellowfin tuna harvested in the ETP must provide evidence to NMFS that it is following dolphin and tuna conservation measures required under the international Agreement and receive an "affirmative finding". On April 12 and May 31, 2000, NMFS issued "affirmative findings" for Mexico and Ecuador, respectively. Yellowfin tuna and yellowfin tuna products from nations without affirmative findings were embargoed in October 2000. These nations include: Belize, Bolivia, Colombia, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Spain, Vanuatu, and Venezuela.
- On April 11, 2000, a U.S. District Court decision set the use of the new dolphin-safe definition aside, requiring that the Department enforce the old dolphin-safe standard for the time being. The Department of Justice appealed this decision on December 11, 2000, and is awaiting a ruling.
- 2001** On April 19, 2001, NMFS renewed the affirmative findings for Mexico and Ecuador as a result of the annual review process.